

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF OKLAHOMA**

CLAUDE DUKES, JR,

*Petitioner*

v.

WARDEN BIRD,

*Respondent.*

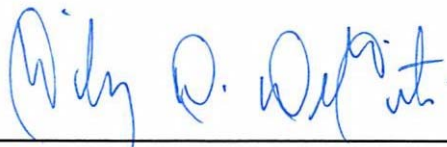
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Case No. CIV-19-822-D

**ORDER**

Upon review of the file and noting no timely objection to the findings and recommendations of United States Magistrate Judge Suzanne Mitchell pursuant to 28 U.S.C § 636(b)(1), the Court adopts the Report and Recommendation [Doc. No. 6] in its entirety. For the reasons stated therein, the Court finds Petitioner's Application to Proceed in Forma Pauperis [Doc. No. 5] is **DENIED**. Should Petitioner fail to pay the \$5.00 filing fee to the Clerk of the Court within twenty-one (21) days of the issuance of this Order, this action shall be dismissed without prejudice to refiling, pursuant to LCvR3.3(e).

**IT IS SO ORDERED** this 12<sup>th</sup> day of November 2019.



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TIMOTHY D. DeGIUSTI  
Chief United States District Judge